

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VINTON FROST,
Plaintiff,

v.

WESTIN HOTELS MANAGEMENT LP, et
al.,
Defendants.

Case No. [19-cv-06545-WHO](#)

**ORDER DENYING MOTION FOR
EXTENSION OF TIME FOR
AMENDED COMPLAINT**

Re: Dkt. No. 19

In my order denying reconsideration of Vinton Frost's request for stay on April 2, 2020, I emphasized that Frost's deadline to file an amended complaint is extended **for the absolute last time** to April 20, 2020. Dkt. No. 18. Frost now asks that I extend his deadline again to May 15, 2020 given the modified court operations this month would impact his need for "open access and clerical attention." Dkt. No. 19. He also takes issue with the fact that my previous order does not mention his pending appeal in another case, and characterizes this as a "misrepresentation of the record." He submits his Second Amended Complaint in Case No. 19-cv- 5365-JD, which was dismissed with prejudice on March 6, 2020 because he failed to explain how the case was different from previously dismissed cases.

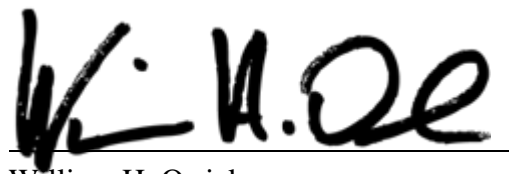
It is unclear what relevance the Second Amended Complaint in that case has on the amended complaint he must file in this case in order to proceed. If Frost chooses to move forward **this** case, he must file an amended complaint that addresses the deficiencies listed in Magistrate Judge Kandis A. Westmore's Report and Recommendation. *See* Dkt. No. 6.

Frost's motion for extension is DENIED. Modified court operations do not affect Frost's ability to allege facts in an amended complaint and to file it by mail if need be. I entered an order on December 16, 2020, adopting Magistrate Judge Westmore's Report and Recommendation a

1 month earlier that explained clearly why his allegations are frivolous; they address incidents
2 barred by the statute of limitation. But I allowed Frost to file an amended complaint instead of
3 dismissing his complaint with prejudice. Instead of amending the complaint, since that time Frost
4 has filed a motion to continue, a motion to stay, a motion for reconsideration, and now this request
5 for extension. Enough is enough. Failure to file an amended complaint by April 20, 2020 will
6 lead to dismissal of this case for failure to prosecute.

7 **IT IS SO ORDERED.**

8 Dated: April 7, 2020

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11 William H. Orrick
12 United States District Judge
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